

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

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|-------------------|---|------------------------------|
| RANDALL CAPATINA, |) | |
| |) | |
| Petitioner, |) | |
| |) | CAUSE NO. 3:17-CV-86-PPS-MGG |
| vs. |) | |
| |) | |
| SUPERINTENDENT, |) | |
| |) | |
| Respondent. |) | |

OPINION AND ORDER

Randall Capatina, a prisoner without a lawyer, filed a habeas corpus petition challenging his prison disciplinary hearing in WCC 15-09-168 where a Disciplinary Hearing Officer (DHO) found him guilty of threatening another in violation of Indiana Department of Correction (IDOC) policy B-213. ECF 2 at 1. As a result, he was sanctioned with the loss of 90 days earned credit time.

After Mr. Capatina filed his petition, the IDOC reduced the charge and restored his earned credit time. ECF 16-1. The Respondent has filed a motion to dismiss because this case is now moot. ECF 16. Because the challenged disciplinary sanctions affecting the length of his incarceration have been vacated, this case must be dismissed. *See Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003) (prisoner can challenge prison disciplinary determination in habeas proceeding only when it resulted in a sanction that lengthened the duration of his confinement). Mr. Capatina argues that Respondent's motion should be denied because "to reduce the charge level and vacate the sanctions, however, that does not moot the controversy of his having been deprived of his due

process rights in the hearing and conviction.” ECF 20 at 2 (emphasis omitted). Yet, Mr. Capatina only had procedural due process rights to the extent that he received a sanction that affected the duration of his sentence. *See id.* Here, there is no such sanction, and therefore Mr. Capatina has no corresponding due process rights pertaining to this disciplinary proceeding. Because he has obtained all relief possible, there is nothing left for this court to review.

For these reasons, the motion (ECF 16) is **GRANTED** and this case is **DISMISSED**. The clerk is **DIRECTED** to close this case.

SO ORDERED.

ENTERED: October 4, 2017.

s/ Philip P. Simon
PHILIP P. SIMON, JUDGE
UNITED STATES DISTRICT COURT